

Atty. Dkt. No. SPRUS1130 (064206-0601)

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD FOR INDUCING MAMMARY EPITHELIAL CELL DIFFERENTIATION(Attorney Docket No. SPRUS1130 (064206-0601))

the specification of which (check one)

is attached hereto.

was filed on 3/24/2005 as United States Application Number or PCT International Application Number PCT/AU2003/001266 and was amended on March 24, 2005 (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of

Atty. Dkt. No. SPRUS1130 (064206-0601)

## Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?
PCT/AU2003/001266	Australia	Sept. 25, 2003	Yes	No

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date
60/413,978	9/25/2002

I HEREBY CLAIM the benefit under Title 35, United States Code, §1.20 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number
60/413,978	PCT/AU2003/001266	9/25/2002	

I HEREBY APPOINT the registered attorneys and agents at Customer Number

30542

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

Atty. Dkt. No. SPRUS1130 (064206-0601)

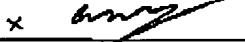
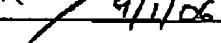
I request that all correspondence be directed to:

Stephen E. Reiter  
FOLEY & LARDNER LLP  
Customer Number: 30542

Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor	Christopher J. Ormandy
Residence	Lane Cove, Australia
Citizenship	AU
Post Office Address	19 Coolaroo Road Lane Cove NSW 2066 Australia
Inventor's signature	
Date	 9/1/06
Name of second inventor	Matthew John Naylor
Residence	Greater Manchester, U.K.
Citizenship	AU
Post Office Address	2 Egerton House NW, 40 RANGERS RETREAT RD Slate Wharf, Castlefield FREUCHS FOREST Greater Manchester M15 4SY U.K. 2086 NSW AUSTRALIA
Inventor's signature	
Date	 9/1/06

Attorney Docket No. SPRUS1130 (064206-0601)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Christopher J. ORMANDY et al.      Examiner:

Serial No.

Filing Date:      Group Art Unit:

Title:      Attorney Docket No. SPRUS1130 (064206-0601)  
METHOD FOR INDUCING MAMMARY EPITHELIAL CELL DIFFERENTIATION

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR UNDER RULE 37 CFR § 3.71**

The undersigned, \_\_\_\_\_, is a representative authorized to sign on behalf of the assignee of the entire interest in the above-identified subject application, GARVAN INSTITUTE OF MEDICAL RESEARCH, and hereby appoints all attorneys associated with the following Customer Number:

FOLEY & LARDNER  
Customer Number: 30542



30542

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6700

Facsimile: (858) 792-6773

all of the firm of Foley & Lardner LLP, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventor and his attorney in accordance with the provisions of Rule 32 of the Patent Office Rules of Practice. We authorize Foley & Lardner LLP to insert the Application Serial Number and application filing details in the appropriate spaces above when such information is known to them.

GARVAN INSTITUTE OF MEDICAL RESEARCH, per 37 C.F.R. § 3.73(b), certifies that the evidentiary documents with respect to its ownership have been reviewed and that to the best of the undersigned's knowledge and belief, title is in the assignee seeking this action.

GARVAN INSTITUTE OF MEDICAL RESEARCH, declares that 100% ownership is established by the assignment filed for recordation herewith, a copy of which is attached.

Please direct all telephone calls to +1 (858) 847-6700 and all correspondence relative to said application to the following address:

Stephen B. Reiter  
FOLEY & LARDNER LLP  
P.O. Box 80278  
San Diego, CA 92138-0278

ASSIGNEE: GARVAN INSTITUTE OF MEDICAL RESEARCH

Signature: Christopher J. Ormandy  
 Typed Name: CHRISTOPHER J. ORMANDY  
 Title: DIRECTOR, BUSINESS DEVELOPMENT  
 Address: 384 VICTORIA STREET  
DARLINGHOLD, NSW 2010

Date: 9/1/06

023.268096.1

31/09 9:00 AM 11:21 FAX FOLEY 8587926773

27. MAY. 2005 16:58

SPALON AND FERGUSON 61292615486

Rec'd PCT/PTO 09 JAN 2006

NO. 4052 P 12/009

NO. 1523 P. 5

Practitioner's Docket No. \_\_\_\_\_

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Garvan Institute of Medical Research  
Application No.: Group No.:  
Filed: Examiner:  
For: Method for Inducing Mammary Epithelial Cell Differentiation

Patent No.: Issue Date:

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))

With respect to the invention described in

the specification filed herewith.  
 application no. \_\_\_\_\_ filed \_\_\_\_\_  
 PCT International Application No. \_\_\_\_\_ filed \_\_\_\_\_  
 patent no. \_\_\_\_\_ issued \_\_\_\_\_

L. IDENTIFICATION AND RIGHTS AS A SMALL ENTITY

I hereby state that I am

(complete either (a), (b), (c) or (d) below)

(a) Independent Inventor

a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

(b) Noninventor Supporting a Claim by Another

making this statement to support a claim by

for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code. I hereby state that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

(c) Small Business Concern

check one /  the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

(Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d)—page 1 of 4) 7-10

[FALIST]26170.doc:v8

Rec'd PCT/PTO 09 JAN 2006

NO. 4052 P. 13/009

31/05 2005 10:11:41 PM FAX FOLEY 8587926773

27. MAY. 2005 16:58 SPAN AND PERGUSON 61292615486

NO. 1523 P. 6

Name of Concern: Garvan Institute of Medical Research  
Address of Concern: c/- St Vincent's Hospital, 384 Victoria Street, Darlinghurst, New South Wales  
2010, Australia

and  
that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization

Address of Organization

TYPE OF ORGANIZATION

University or Other Institution of Higher Education  
 Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))

Nonprofit Scientific or Educational Under Statute of State of the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)), if Located in the United States of America

Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America, if Located in the United States of America  
(Name of State \_\_\_\_\_)  
(Citation of Statute \_\_\_\_\_)

and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

II OWNERSHIP OF INVENTION BY DECLARANT

I hereby state that rights under contract or law remain with and/or have been conveyed to the above identified

person  
(item (a) or (b) above)

concern  
(item (c) above)

organization  
(item (d) above)

(Statement for Claiming Small Entity Status (37 CFR 1.9(c-1) and 1.27(b-d)~page 2 of 4) 7-10

[R:\LIBT]26170.doc:vsg

31/09 2000 10:11:22 27. MAY. 2005 16:58

SPURSON AND FERGUSON 61292615486

NO. 1523 P. 7

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

no such person, concern, or organization  
 person, concerns or organizations listed below\*

**\*NOTE:** Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

Full Name

Address

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

Full Name

Address

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

### III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

### IV. DECLARATION

(check the following item, if desired)

**NOTE:** The following verification statement need not be made in accordance with the rules published on October 10, 1997, 62 Fed. Reg. 52131, effective December 1, 1997.

**NOTE:** The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under 10.18(b) of this chapter. Violations of 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under 10.18(e) of this chapter. Any practitioner violating 10.18(b) may also be subject to disciplinary action. See 10.18(d) and 10.23(e)(15), 37 CFR 1.4(d)(2).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

(Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))—page 3 of 4) 7-10

PRALIST26170.docvsg

JAN 9 2006 5:24PM FAX FOLEY 8587926773  
31/60 2000 100 11/22

27. MAY. 2005 16:59 SPARSON AND FERGUSON 61292615486

NO. 4052 P. 159/009

NO. 1523 P. 8

#### V. SIGNATURES

(complete only (e) or (f) below)

(e)

NOTE: All inventors must sign the statement.

Name of Inventor

Date:

Signature of Inventor

Name of Inventor

Date:

Signature of Inventor

Name of Inventor

Date:

Signature of Inventor

(add lines for any additional inventors who must sign)

or

(f)

NOTE: The title of the person signing on behalf of a concern or nonprofit organization should be specified.

Name of Person Signing C. Hardy

Title of Person

Director of Business Development

(if signing on behalf of a concern or non-profit organization)

Address of Person Signing

SIGNATURE

C. Hardy

DATE 16-6-05

(Statement Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-4)—page 4 of 4) 7-10

15ALIST26170.doc:vsig